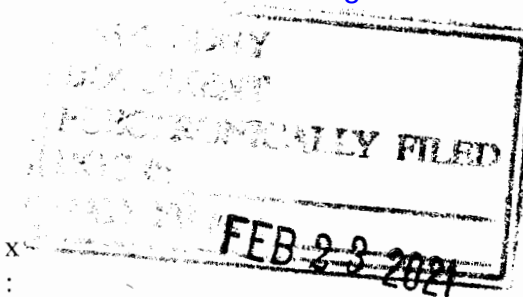


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x
UNITED STATES OF AMERICA

- v. -

JOHN BLAIR,

Defendant.
----- x

:
: CONSENT PRELIMINARY ORDER
: OF FORFEITURE AS TO SPECIFIC
: PROPERTY/
: MONEY JUDGMENT

: 20 Cr. 342 (GBD)
:
: x

WHEREAS, on or about July 9, 2020, JOHN BLAIR (the “Defendant”), and another, was charged in three-counts of a six-count Indictment, 20 Cr. 342 (GBD) (the “Indictment”), with conspiracy to commit Hobbs Act robbery, in violation Title 18, United States Code, Section 1951 (Count One); Hobbs Act robbery, in violation of Title 18, United States Code, Sections 1951 and 2 (Count Three), and firearm use, carrying, possessing, and brandishing, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), and 2 (Count Five);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section, 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One and Three of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds personally obtained by the defendant traceable to the commission of the offenses charged in Counts One and Three of the Indictment;

WHEREAS, on or about January ___, 2021, the Defendant pled guilty to Counts Three and Five¹ of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Three of the Indictment and agreed to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), a sum of money equal to \$18,142.57 in United States currency, representing proceeds traceable to the commission of the offense charged in Count Three of the Indictment; and

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$18,142.57 in United States currency representing the amount of proceeds traceable to the offense charged in Count Three of the Indictment that the Defendant personally obtained for which the defendant is jointly and severally liable with any other defendant who is also convicted of the offense charged in Count Three in the Indictment to the extent a forfeiture money judgment is entered against any other defendant convicted of the offense charged in Count Three of the Indictment;

WHEREAS, the Defendant further consents to the forfeiture of all his right, title and interest in \$135.00 in United States currency seized from the Defendant on May 8, 2020 at time of arrest in Bronx, NY (the "Specific Property"), which constitutes proceeds of the offense charged in Count Three of the Indictment;

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count Three of the Indictment that the

¹ With respect to Count Five, the Defendant pled guilty to the lesser included offense of using and carrying a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, and possessing a firearm in furtherance of such crime of violence, and aiding and abetting the same, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.

Defendant personally obtained cannot be located upon the exercise of due diligence, with the exception of the Specific Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, Acting United States Attorney, Assistant United States Attorney, Rebecca T. Dell, of counsel, and the Defendant, and his counsel, Amy Gallicchio, Esq., that:

1. As a result of the offense charged in Count Three of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$18,142.57 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count Three of the Indictment that the Defendant personally obtained, for which the defendant is jointly and severally liable with any other defendant who is convicted of the offense charged in Count Three of the Indictment, to the extent a forfeiture money judgment is entered against any other defendant convicted of the offense charged in Count Three of the Indictment, shall be entered against the Defendant.

2. As a result of the offense charged in Count Three of the Indictment, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment is final as to the Defendant, JOHN BLAIR, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

5. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, the United States (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

7. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice

on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

8. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

9. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

10. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed. All Specific Property forfeited to the United States under a Final Order of Forfeiture shall be applied towards the satisfaction of the Money Judgment.

11. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

12. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate

or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

13. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

14. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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15. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By: Rebecca T. Dell 2/18/2021
REBECCA T. DELL
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2198
DATE

JOHN BLAIR

By: /s/ John Blair by Amy Gallicchio, Esq. 2/18/2021
JOHN BLAIR
DATE

By: /s/ Amy Gallicchio 2/18/2021
AMY GALLICCHIO, ESQ.
Attorney for Defendant
Federal Defenders of New York
52 Duane Street
New York, NY 10007
DATE

SO ORDERED:

George B. Daniels FEB 23 2021
HONORABLE GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE
DATE